

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

	-----X
IN RE: EPHEDRA PRODUCTS LIABILITY LITIGATION	:
	04 M.D. 1598 (JSR)
	:
	-----X
PERTAINS TO ALL CASES	:
	:
	-----X

**NOTICE OF FILING OF THE JOINT APPLICATION OF THE  
METABOLIFE CRF REFEREE AND CRF APPEAL REFEREE FOR  
REIMBURSEMENT OF FEES AND EXPENSES FROM THE MDL EXPENSE FUND**

Professor Eric Green of Resolutions, LLC, the Metabolife Claims Resolution Facility Referee (the “Metabolife CRF Referee”) and Justice John K. Trotter (Retired) of JAMS, the Metabolife CRF Appeal Referee (the “Metabolife CRF Appeal Referee,” and together with the Metabolife CRF Referee, the “CRF Referees”) appointed pursuant to the Metabolife Personal Injury Claimants Resolution Facility (the “Metabolife CRF”), which was an exhibit to and a crucial component of the MII Mediation Trust Agreement (the “Metabolife Mediation Trust Agreement”), hereby provides notice to the Court and all counsel of the filing of its motion for an order pursuant to Section 5.01 of the Metabolife Mediation Trust Agreement approving their joint application for reimbursement of fees and expenses from the MDL Expense Fund (the “Fee Application”).

Section 5.01(b) of the Metabolife Mediation Trust Agreement provides that the fees and expenses incurred by the CRF Referees shall be paid from the MDL Expense Fund upon approval from the MDL Court.

For the reasons set forth in the Memorandum filed simultaneously herewith, the CRF Referees respectfully request that the Court enter an Order (i) approving the Fee Application, (ii)

approving the payment out of the MDL Expense Fund to the Metabolife CRF Referee in the aggregate amount of \$34,919.37, (iii) approving the payment out of the MDL Expense Fund to the Metabolife CRF Appeal Referee in the aggregate amount of \$90,000 and (iv) granting such other relief as the Court deems appropriate.

Dated: March 17, 2008

Respectfully submitted,

By:/s/Eric D. Green

Professor Eric D. Green  
Resolutions, LLC  
222 Berkeley Street, Suite 1060  
Boston, MA 02116  
Telephone: (617) 556-0800

By:/s/John K. Trotter

The Honorable John K. Trotter (Retired)  
JAMS  
500 N. State College Blvd., Suite 600  
Orange, California 92868  
Telephone: (714) 939-1300

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing was served electronically via the Court's electronic filing system on the 17th day of March, 2008 upon all counsel of record.

By:/s/Steven B. Smith

---

Steven B. Smith  
BROWN RUDNICK BERLACK ISRALES LLP

cc: The Honorable Jed S. Rakoff  
United States District Court, Southern District of New York  
J. Michael McMahon, Clerk of Court  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 1340  
New York, NY 10007-1317

Special Master James Niss  
400 Riverside Drive 3C  
New York, NY 10025

Russell S. Briggs, Esq.  
Fibich, Hampton & Leebron, LLP  
Five Houston Center  
1401 McKinney Suite 1800  
Houston, Texas 77010

Leslie W. O'Leary, Esq.  
Williams Love O'Leary & Powers, P.C.  
9755 SW Barnes Road, Suite 450  
Portland, OR 97225

Steven J. Skikos, Esq.  
Lopez, Hodes, Restaino, Milman & Skikos  
625 Market Street, 11<sup>th</sup> Floor  
San Francisco, CA 94105

Janet G. Abaray, Esq.  
Burg Simpson Eldredge Hersh & Jardine, P.C.  
312 Walnut Street, Suite 2090  
Cincinnati, OH 45202

Edward Blizzard, Esq.  
Blizzard, McCarthy & Nabers, LLP  
440 Louisiana, Suite 1710  
Houston, Texas 77002

Anne Andrews, Esq.  
Andrews & Thornton  
2 Corporate Park, Suite 110  
Irvine, CA 92606

Paul Rheingold, Esq.  
Rheingold, Valet, Rheingold, Shkolnik & McCartney, LLP  
113 E. 37<sup>th</sup> Street  
New York, NY 10016

Robert Roden, Esq.  
Shelby Roden LLC  
2956 Rhodes Circle  
Birmingham, AL 35205

Robert Rikard, Esq.  
Whetstone, Myers, Perkins & Young  
1303 Blanding Street  
Columbia, SC 29201

Paul Hanly, Jr., Esq.  
Hanly, Conroy, Bierstein & Sheridan, LLP  
415 Madison Avenue  
New York, NY 10017